

REMARKS

The present application was filed on July 24, 2003 with claims 1 through 39. Claims 1-39 are presently pending. Claims 16 and 17 have been previously cancelled, without prejudice.

5 In the Office Action, the Examiner rejected Claims 1-39 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1, 24 and 39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 1, 22 and 32 of Copending application 10/626,483. Claims 1-39 were rejected under 35 U.S.C. §102(e) as being anticipated by Honarvar et al. (United States Patent Application
10 Publication No. 2003/0154406)

Double Patenting

Claims 1, 24 and 39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 1, 22 and 32 of Copending application 10/626,483 in view of Honarvar. Independent claims 1, 24 and 39
15 emphasize that the server performing the method is independent of the third party customer verification server. Applicants submit that these features do not appear in the claims of Copending application 10/626,483 and thus the two applications are claiming different aspects. Furthermore, Serial No. 10/626,483 has been (or will be) abandoned for failing to respond to an Office Action mailed April 16, 2007. A Notice of Abandonment has not yet been received by
20 Applicants.

In addition, as argued below with respect to Section 102, Honarvar does not disclose or suggest obtaining a *random subset of questions* that said user has previously answered with a *third party* customer verification server.

Applicants respectfully request withdrawal of the double patenting rejection. In
25 the alternative, Applicants respectfully request deferral of this issue until Serial No. 10/626,483 becomes formally abandoned.

Section 102 Rejection of Independent Claims

Independent claims 1, 24 and 39 were rejected under 35 U.S.C. §102(e) as being anticipated by Honarvar et al.

With regards to claim 1, for example, the Examiner asserts that Honarvar et al teaches a method for authenticating a user, comprising obtaining an asserted identity of said user (citing page 2, par. 28; page 6, pars. 100 and 105); obtaining a random subset of questions that said user has previously answered with a third party customer verification server that is independent of said first server (citing page 6, pars. 104-105; page 2, par. 28, page 7, par. 112; page 9, pars. 120 and 122; page 10, pars. 126-127); and presenting one or more questions to said user from said random subset of questions until a predefined security threshold is satisfied (citing page 22, pars. 233-34, 236 and 237)

Independent claims 1, 24 and 39 emphasize that the server performing the method obtains a random subset of *questions* that said user has previously answered with a *third party* customer verification server that is independent of said first server. The Examiner has identified par. [0112] as disclosing that Honarvar retrieves data from multiple internal and *external* (i.e., third party) sources. Applicants submit, however, that the external source is merely a typical information store, such as a credit history or user profile. An “external source” does not disclose or suggest obtaining a (i) *random subset* of (ii) *questions* that (iii) the user has previously answered. The present invention requires that a set of *questions* is obtained from a third party source. As indicated above, Honarvar merely suggests obtaining *information* from a third party source. Obtaining information does not disclose or suggest obtaining questions (even if the obtained information was previously provided in response to questions).

Thus, Honarvar et al. does not disclose or suggest “obtaining a *random subset* of *questions* that said user has previously answered with a *third party* customer verification server that is *independent of said first server*,” as required by each independent claim. Likewise, since there is no random subset of questions, one or more questions are not presented to said user from the random subset of questions.

Dependent Claims

Claims 2-15 and 18-23 and 25-39 are dependent on claims 1 and 24, respectively, and are therefore patentably distinguished over Honarvar et al. because of their dependency from independent claims 1 and 24 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims are in condition for allowance and such favorable action is earnestly solicited. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

5 The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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